

## AGENDA



Thursday, April 30, 2009

**Public Hearings and Possible Actions  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 61**

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**Subject:** Conduct a public hearing and consider an ordinance amending Ordinance No. 20070621-150 extending the expiration date to October 3, 2011, for floodplain variances granted for construction of a mixed-use commercial project at 835 W. 6th Street.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Joe Pantalion, 974-3438; Mapi Vigil, 974-3384; Kevin Shunk, 974-9176; Ray Windsor, 974-3362

**Prior Council Action:** On June 21, 2007, City Council voted 6-0 to approve Ordinance 20070621-150.

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The applicant, Shoal Creek Walk, Ltd., has an approved site plan development permit (SP-06-0588C) for construction of a mixed-use commercial development at 835 W. 6th Street. The site plan proposes to demolish an existing parking lot and construct an eight-story mixed-use building, a five-story mixed use building, and a three-level underground parking structure that encroaches on the 25-year and 100-year floodplains of Shoal Creek. The applicant also proposes Shoal Creek stream bank modifications and changes to the W. 6th Street Bridge to mitigate floodplain impacts associated with the proposed development.

City Council approved an ordinance for floodplain variances for this proposed development on June 21, 2007. A condition of that ordinance was that the project must receive all necessary building permits before July 2, 2009. The applicant will not be able to obtain all permits by that date and they are requesting an amendment to the expiration date of the ordinance. Approval of the subject amendment to the ordinance will provide the developer an additional two years and three months to obtain the required building permits. The proposed ordinance expiration date coincides with the site plan project duration date.

THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT RECOMMENDS  
APPROVAL OF THIS REQUEST.

**SUMMARY OF FINDINGS**

1. **APPROVED ORDINANCE.** City Council approved an ordinance for floodplain variances for this proposed development on June 21, 2007.
2. **REASONABLY SAFE FROM FLOODING.** The applicant's engineer has demonstrated that the proposed project will be reasonably safe from flooding based on the most recent floodplain information for Shoal Creek.